

SENATE BILL 69
By Cooper

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 4 and Title 55, Chapter 50, Part 5, relative to the offense of driving while impaired and the authority to issue restricted motor vehicle operators' licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-415, is amended by adding the following as a new subsection (f):

(f)(1) Except as provided in subdivision (f)(4), if a person's motor vehicle operator's license has been suspended pursuant to subsection (d) and such suspension is the result of the person's first conviction or adjudication for violating this section, the trial judge is vested with the authority and discretion to allow the continued use of a restricted motor vehicle operator's license issued in accordance with § 55-50-502, or may, in the event such a license has not been issued, order the issuance of a restricted license allowing the person so convicted or adjudicated to operate a motor vehicle for the limited purposes of going:

- (A) To and from and working at such person's regular place of employment;
- (B) To and from and attending a court-ordered alcohol safety program; or
- (C) To and from a high school, college or university in the case of a student enrolled full-time in a high school, college or university.

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(2) A Tennessee resident, whose operator's license has been suspended because of a conviction or adjudication in another jurisdiction for the offense of driving while impaired, may apply to a judge of any court of the county of such person's residence having jurisdiction to try such charges for a restricted motor vehicle operator's license. The judge has the discretion to allow the continued use of a restricted motor vehicle operator's license issued in accordance with § 55-50-502(c), or may, in the event such a license has not been issued, order the issuance of a restricted motor vehicle operator's license allowing the person so convicted or adjudicated to operate a motor vehicle for the limited purposes of going:

- (A) To and from and working at such person's regular place of employment;
- (B) To and from and attending a court-ordered alcohol safety program; or
- (C) To and from a high school, college or university in the case of a student enrolled full-time in a high school, college or university.

A copy of the judgment of conviction or adjudication of delinquency certified by the court which tried the case must accompany an application for a restricted license under subsection (f)(2) of this section and the conviction or adjudication for driving while impaired must be the person's first conviction or adjudication in any jurisdiction for such offense.

(3) An order issued under subsection (f)(1) or (f)(2) shall state with all practicable specificity the necessary time and places of permissible operation of a motor vehicle and shall be made a part of the order or judgment of the court. The order may be prescribed within ten (10) days after the date of conviction or adjudication to the department of safety, accompanied by a fee of sixty-five dollars (\$65.00). The department shall forthwith issue a restricted license embodying the limitations imposed upon the person so convicted or adjudicated; provided, that the person shall first successfully complete a driver's license examination. After proper application, and until such time as the

restricted license is issued, a certified copy of the order or judgment of the court may serve in lieu of the motor vehicle operator's license.

(4) If during the course of conduct which was the basis for a driver's conviction or adjudication for driving while impaired, another person is killed or suffers serious bodily injury as the proximate result of such driver's impairment, such driver shall not be eligible for and the court shall not have the authority to grant the issuance of a restricted motor vehicle operator's license until such time as the period of suspension mandated by subsection (d) has expired, notwithstanding the fact that it may be the driver's first such conviction or adjudication.

(5) Any person whose motor vehicle operator's license has been suspended pursuant to subsection (d) and whose suspension is the result of a second or subsequent conviction or adjudication for driving while impaired, shall not be eligible for, nor shall the court have the authority to grant or order, the issuance of a restricted motor vehicle operator's license until such time as the period of suspension mandated by subsection (d) has expired.

SECTION 2. Tennessee Code Annotated, Section 55-50-502, is amended by deleting the first two (2) sentences of subsection (c)(3) and substituting instead the following:

(3) The trial judge of the court wherein the trial or hearing for the offense of operating a vehicle under the influence of alcohol or an intoxicating drug or driving while impaired is pending may order the issuance of a restricted license allowing the person so arrested to operate a motor vehicle for the purpose of going to and from and working at such person's regular place of employment. A Tennessee resident, whose operator's license has been suspended because of an arrest in another jurisdiction on a charge of operating a motor vehicle while under the influence of an intoxicating liquor or a narcotic drug or a charge of driving while impaired, may apply to a judge of any court of the county of such person's residence having jurisdiction to try such charges for a restricted motor vehicle operator's license.

SECTION 3. This act shall take effect July 1, 1997, the public welfare requiring it.